



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING NOVEMBER 12 AND 13, 2008
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – November 12, 2008

President Berry convened the meeting at 12:00 (noon) and welcomed the audience to the meeting.

The following Board Members were present: President Zina Berry, Vice President Dennis McAllister, Steven Haiber, Louanne Honeyestewa, Dan Milovich, Ridge Smidt, Paul Sypherd and Tom Van Hassel. The following Board Member was not present: Joanne Galindo. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 7, Schedule C, License Applications Requiring Board Review for Ishmael Smith-Muhammad.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule D, Complaint Number #3563, #3564, #3565, #3566, and #3580.

Due to a conflict of interest, Mr. Milovich recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule D, Complaint #3581.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 10, Schedule D, Complaint #3569, #3570, and #3571.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 11, Schedule E, Conferences for Complaint #3522, #3552, and #3554.

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 17, Schedule I, Formal Hearing for Deborah Grabowski Chenoweth.

AGENDA ITEM 3 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Haiber and seconded by Dr. Smidt**, the minutes of the Regular Meeting held on September 10, 2008 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Gilbert Hospital – Review of proposed plan to renovate the pharmacy space and relocation of the IV hood to meet minimum pharmacy space requirements and possible action and discussion of request for variance under R4-23-655 (B)

President Berry stated that representatives of Gilbert Hospital have been asked to appear to present their pharmacy renovation plan to the Board.

The following individuals were present from Gilbert Hospital: Carolyn Masood and Pharmacist in Charge Allison Young.

Dr. Berry asked the representatives to give a brief overview of their renovation plan.

Ms. Masood stated that when the hospital opened they had requested a variance for the required pharmacy space because they were only licensed for 2 beds. Ms. Masood stated as the hospital grew the number of beds also increased. Ms. Masood stated that they are currently licensed for 22 beds. Ms. Masood stated that when the Compliance Officer completed his last inspection it was determined that there was not adequate space in the pharmacy.

Ms. Masood stated that they had appeared at the September Board meeting and agreed to work with the Board to increase the pharmacy space. Ms. Masood stated that Mr. Wand had visited the hospital and reviewed their proposed plans.

Ms. Masood stated that they currently have 144 square feet in the pharmacy area and will be purchasing an IV hood to place in another room close to the pharmacy. The square footage of the additional room is 128 square feet. The total pharmacy area would then be 272 square feet.

Mr. Wand stated that the hospital is purchasing an isolation chamber.

Mr. Wand stated that the Board would still need to approve the request for a variance since the square footage is less than the minimum hospital pharmacy area of 500 square feet.

Mr. Wand stated that Mr. McAllister had also visited the hospital with him to review the plans.

Mr. McAllister stated that the proposed changes would provide the hospital with adequate space until their new pharmacy is built within the next year. Mr. McAllister stated that he feels that the work around would be reasonable for the current situation. Mr. McAllister stated that he feels that the current situation for the pharmacy area is awful and the work around is satisfactory.

Mr. Haiber asked if the additional space is continuous with the current pharmacy space.

Mr. McAllister stated that the room where the isolation chamber would be located is close to the main pharmacy. Mr. McAllister stated that the preparation of the IV solutions would now be made in a closed room.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously approved the request by Gilbert Hospital to allow a deviation from the space requirements of 500 square feet under R4-23-655 (B) for the next two years until the new hospital pharmacy is completed. The hospital must report back to the Board if the number of beds are increased and the Board will reconsider the variance at that time.

AGENDA ITEM 5– Permits and Licenses

President Berry stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

Potter's House Apothecary, Inc.

Kevin Borg, Pharmacy Owner and Pharmacist in Charge, was present to answer questions from Board Members.

President Berry opened the discussion by asking Mr. Borg to describe the nature of his proposed business.

Mr. Borg stated that the pharmacy would compound both sterile and non-sterile medications.

Dr. Berry asked if they would be compounding IV solutions.

Mr. Borg stated that they would not be compounding IV medications. Mr. Borg stated that they would be preparing ophthalmic solutions and inhalation solutions.

Dr. Berry asked Mr. Borg to describe his customer base. Mr. Borg stated that they would be promoting their compounding services to local physicians and veterinarians.

Dr. Berry asked Mr. Borg if they would be filling any internet prescriptions. Mr. Borg replied no.

Mr. Van Hassel asked Mr. Borg if he would be providing regular pharmacy services. Mr. Borg replied that there is an urgent care facility across the street and he would probably carry certain medications that the doctors at the facility would prescribe. Mr. Borg stated that their major emphasis would be the compounding of medications.

Mr. Van Hassel asked Mr. Borg where he would store his medications. Mr. Borg stated that they would be stored in the small dispensing area. Mr. Borg stated that the pharmacy is not going to be a typical pharmacy with shelves of medications.

Mr. Borg stated that the pharmacy would be open to the public and he would fill a prescription if he had the medication to fill the prescription.

Dr. Berry asked if the medications would be dispensed directly to the patient. Mr. Borg replied that the medications would be dispensed to the patient and the preparation of medications for office use would not be the focus of their business.

Dr. Berry asked Mr. Borg if he plans to manufacture or wholesale any medications. Mr. Borg replied no.

Dr. Berry asked Mr. Borg if he plans to deliver medications to patients. Mr. Borg stated that he would offer delivery as a customer service.

Dr. Berry thanked the applicant for appearing.

Medica Pharmacy, Inc.

Robert George, Pharmacy Owner, was present to answer questions from Board Members.

President Berry opened the discussion by asking Mr. George if he was a pharmacist. Mr. George stated that he is not a pharmacist and is the owner of the company.

Dr. Berry asked if the pharmacist in charge was present. Mr. George replied that he has hired a pharmacist but she was not available to attend the meeting.

Dr. Berry asked Mr. George to describe their anticipated pharmacy business. Mr. George stated that they would be a compounding pharmacy open Monday through Friday.

Dr. Berry asked Mr. George to whom they would be promoting their services. Mr. George replied that they would market their services to physicians in the area. Mr. George stated that there are some assisted living facilities in the area.

Dr. Berry asked if they would be preparing sterile and non-sterile products. Mr. George stated that he did not know since he is not a pharmacist.

Dr. Berry asked if they would have an IV hood in the pharmacy. Mr. George stated that he is not sure because they are currently negotiating with the landlord. Mr. George stated that he could submit a more detailed plan at a later date.

Mr. Van Hassel asked how many square feet are in the pharmacy. Mr. George stated that the whole space is 1,500 square feet and roughly 1,000 square feet would be for the pharmacy.

Dr. Berry asked Mr. George what medications they would be compounding. Mr. George stated that they would be mainly compounding medications for hormone therapies.

Dr. Smidt asked Mr. George to describe his relationship with the doctors that he mentioned that own a nearby clinic. Mr. George stated that they would be providing a customer service for the physician's patients.

Dr. Smidt asked if any of the doctors have an ownership interest in the pharmacy. Mr. George replied no. Mr. George stated that the doctors own BioHRT Health and Wellness Clinic.

Dr. Smidt asked Mr. George if he would be dispensing HCG (Human growth hormone) as result of any of the therapies. Mr. George replied no.

Mr. Van Hassel asked if the doctors own the building where the pharmacy will be located. Mr. George replied no.

Mr. Milovich asked how the pharmacy would receive the prescription order. Mr. George stated that the doctor would either give the prescription to the patient to bring to the pharmacy or the doctor could phone the prescription to the pharmacy.

Mr. Haiber asked Mr. George if they would be filling any internet prescriptions. Mr. George replied no.

Dr. Berry stated that she would like to table the application until the Board Members could speak with the Pharmacist in Charge and the applicant would then have time to submit a more detailed layout of the pharmacy space.

Mr. George stated that they could appear in January.

At the conclusion of questions from the Board Members and **on motion by Mr. McAllister and seconded by Mr. Haiber**, Board unanimously approved the resident permits listed below. The permit for Medica pharmacy was tabled until the January Board Meeting. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Potter's House Apothecary, Inc	21755 N. 77 th Ave. #1200, Peoria, AZ 85382	Kevin Borg
Cigna Healthcare of Arizona	3530 S. Val Vista Dr., Gilbert, AZ 85296	Cigna Healthcare of Arizona
CVS/Pharmacy #7263	10707 W. Camelback Rd, Phoenix, AZ 85037	German Dobson CVS, LLC
Walgreens Pharmacy #10998	2483 E. Florence Blvd., Casa Grande, AZ 85222	Walgreen Arizona Drug Co
Community Pharmacy III	2222 E. Highland Ave. #101B, Phoenix, AZ 85016	Jeffrey Gubernick
Walgreens Pharmacy #04077	3005 E. Riggs Rd. , Chandler, AZ 85249	Walgreen Arizona Drug Co.
Sierra Healthmart Pharmacy	1939 B Frontage Rd., Sierra Vista, AZ 85635	Sierra Pharmacy, Inc.
Walgreens Pharmacy #10684	13542 E. Colossal Cave Rd., Vail, AZ 85641	Walgreen Arizona Drug Co.
Sam's Club Pharmacy #10-4955	16573 W. Bell Rd.. Surprise, AZ 85374	Wal-Mart Stores, Inc.
Longs Drug Store #7928	8836 N. 23 rd Ave., Phoenix, AZ 85021 (O)	Longs Drug Stores, California, LLC
Longs Drug Store #7926	1930 S. Alma School Rd., Mesa, AZ 85210 (O)	Longs Drug Stores, California, LLC

(O) = Ownership Change

Non-Resident Permits

President Berry stated that all permits were in order for non- resident pharmacies.

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board unanimously approved the non – resident permit listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
US Med Inc.	1480 NW 79 th Ave., Miami, FL 33126	US Med Inc.
Bowermans Pharmacy	3131 S. Willow Ave., Suite 103, Fresno, CA 93725 (O)	Byram Healthcare Centers, Inc.
Skin Care RX, LLC	1055 S. 700 W., Salt Lake City, UT 84104	Skin Care RX, LLC
Valley View Drugs, Inc.	13966 Valley View Ave., La Mirada, CA 90638	Valley View Drugs, Inc.
Mayo Clinic Pharmacy	21 Second Street SW, Rochester, MN 55902	Mayo Foundation for Medical Research and Education
Providence Specialty Pharmacy Services	6410 NE Halsey, Ste. 400, Portland, OR 97213	Providence Health and Services
Rx America	221 N. Charles Lindbergh Dr., Salt Lake City, UT 84116	Longs Drug Stores
Escalante Solutions Professional Services	4330 S. Valley View Blvd. #112, Las Vegas, NV 89103	Escalante Solutions LLC

Escalante Solutions, LLC	1625 E. National Dr., Ste 150, Sacramento, CA 95834 (O)	Escalante Solutions LLC
Dabney Pharmacy	11115 S. Main St., Los Angeles, CA 90061	Twin Pharmacy, Inc.
MediPharm Inc.	6570 Stage Rd., Bartlett, TN 38134	MediPharm Inc.
Daily Med Pharmacy	9525 Delegates Row, Indianapolis, IN 46240	PrairieStone Pharmacy LLC
Arrow Pharmacy & Nutrition Center	838 Farmington Ave., Farmington, CT 06032	Arrow Pharmacy Holdings, LLC

(O) = Ownership Change

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

President Berry stated that all license requests and applications were in order.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments removing any duplicate names.

AGENDA ITEM 6 – Special Requests

#1 Caryn Trotta-Gundersen

Caryn Trotta-Gundersen appeared on her own behalf to request that the probation imposed on her intern license per Board Order 04-0018-PHR be terminated. Lisa Yates from the PAPA program was also present.

President Berry opened the discussion by asking Ms. Trotta- Gundersen to describe the nature of her request. Ms. Trotta-Gundersen stated that she is requesting the termination of her probation.

Dr. Berry asked Ms. Trotta-Gundersen if she had completed the PAPA program. Ms. Trotta-Gundersen replied yes.

Dr. Berry asked Ms. Yates if Ms. Trotta-Gundersen had successfully completed the program. Ms. Yates replied that Ms. Trotta-Gundersen had completed the program and had been compliant with the requirements of the program. Ms. Yates stated that Mr. Corrington, the PAPA counselor, had written a letter supporting Ms. Trotta-Gundersen's request to have her probation terminated.

Dr. Berry asked Ms. Trotta-Gundersen if she was working. Ms. Trotta-Gundersen stated that she is currently on maternity leave.

Dr. Berry asked Ms. Trotta-Gundersen what she learned from the PAPA program. Ms. Trotta-Gundersen stated that she has the necessary tools and support system to maintain her recovery. Ms. Trotta-Gundersen stated that she would continue to attend meetings.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to approve the request by Ms. Trotta-Gundersen to terminate the probation of her intern license imposed by Board Order 04-0018-PHR.

#2 Rosalie Canaya

Rosalie Canaya appeared on her own behalf to request that the Board terminate the suspension of her pharmacy technician license and impose probation per Board Order 08-0032-PHR. Lisa Yates from the PAPA program was also present.

President Berry opened the discussion by asking Ms. Canaya to describe the nature of her request. Ms. Canaya stated that she is requesting that the Board terminate the suspension of her pharmacy technician license and impose probation.

Mr. Wand stated that Mr. Corrington, the PAPA counselor, has written a letter supporting Ms. Canaya's request.

Dr. Berry asked Ms. Canaya how long her license has been suspended. Ms. Canaya stated that her license has been suspended since March.

Dr. Berry asked Ms. Canaya if she is attending meetings. Ms. Canaya stated that she is very active in her recovery. Ms. Canaya stated that she currently works in a position that is not pharmacy related. Ms. Canaya stated that she is changing her life.

Ms. Yates stated that Ms. Canaya is the first pharmacy technician to participate in the program. Ms. Yates stated that Ms. Canaya has done everything that she has been asked to do in the program.

On motion by Dr. Smidt and seconded by Mr. Haiber the Board unanimously agreed to terminate the suspension of Ms. Canaya's pharmacy technician license and impose probation.

#3 Thomas Castaneda

Thomas Castaneda appeared on his own behalf to request that the Board terminate the suspension of his pharmacist license and impose probation per Board Order 08-0049-PHR. Lisa Yates from the PAPA program was also present.

President Berry opened the discussion by asking Mr. Castaneda to describe the nature of his request. Mr. Castaneda stated that he is requesting that the suspension of his license be lifted and probation be imposed.

Dr. Berry asked Mr. Castaneda what he is doing in his recovery program. Mr. Castaneda stated that he attends meetings and is meeting with his sponsor. Mr. Castaneda stated that he is working the 12 steps and his recovery comes first in his life.

Ms. Yates stated that there is visually a difference in Mr. Castaneda's participation in his program. Ms. Yates stated that some individuals do not grasp recovery right away and Mr. Castaneda did not accept his addiction initially.

Dr. Berry asked Mr. Castaneda if he was ready to be in a pharmacy. Mr. Castaneda replied yes but he realizes that his recovery comes first.

On motion by Dr. Smidt and seconded by Mr. Milovich, the Board unanimously agreed to terminate the suspension of Mr. Castaneda's pharmacist license and impose probation.

#4 Richard Pillon

Richard Pillon appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 07-0012-PHR be terminated.

President Berry opened the discussion by asking Mr. Pillon to describe the nature of his request. Mr. Pillon stated that he is requesting that the probation of his license be terminated.

Dr. Berry asked Mr. Pillon how long he has been on probation. Mr. Pillon replied that he has been on probation for two years.

Mr. Wand stated that Mr. Pillon's consent agreement had been amended because originally he was required to work with another pharmacist.

Dr. Smidt asked Mr. Pillon if he is currently working. Mr. Pillon stated that he is working in a hospital pharmacy.

Dr. Berry asked Mr. Pillon if he completed all the requirements of his consent agreement. Mr. Pillon replied yes.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to approve the request by Mr. Pillon to terminate the probation of his pharmacist license imposed by Board Order 07-0012-PHR.

#5 Rory Albert

Rory Albert appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 06-0013-PHR be terminated. Roger Morris, Legal Counsel for Mr. Albert, was also present.

President Berry opened the discussion by asking Mr. Albert to describe the nature of his request. Mr. Albert stated that he is requesting that the probation of his license be terminated.

Dr. Berry asked Mr. Albert if he is currently working. Mr. Albert replied yes.

Mr. Morris stated that Mr. Albert has completed the required CE units, completed his community service, and paid his fine.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to approve the request by Mr. Albert to terminate the probation of his pharmacist license imposed by Board Order 06-0013-PHR.

#6 Marta Broksas

Marta Broksas appeared on her own behalf to request that the probation imposed on her pharmacist license per Board Order 05-0017-PHR be terminated.

President Berry opened the discussion by asking Ms. Broksas to describe the nature of her request. Ms. Broksas stated that she is requesting that the probation of her license be terminated.

Dr. Berry asked Ms. Broksas how long she has been on probation. Ms. Broksas stated that she has been on probation for three years.

Dr. Berry asked Ms. Broksas if she is currently working. Ms. Broksas replied yes.

Mr. Haiber asked why Ms. Broksas did not have a PAPA contract. Ms. Broksas stated that she went to an addictionologist and it was determined that she did not have an addiction problem.

Mr. Wand asked Ms. Broksas if she had taken the medication for someone else. Ms. Broksas stated that she gave the medication to her mother.

On motion by Mr. Van Hassel and Mr. McAllister, the Board agreed to approve the request by Ms. Broksas to terminate the probation of her pharmacist license imposed by Board Order 05-0017-PHR.

AGENDA ITEM 7 – License Applications Requiring Board Review

#1 Avis Davis

Avis Davis appeared on her own behalf to request to proceed with reciprocity.

President Berry opened the discussion by asking Ms. Davis why she was appearing in front of the Board.

Ms. Davis stated that she is requesting permission to proceed with reciprocity. Ms. Davis stated that she was disciplined by the Illinois Board. Ms. Davis stated that in 1996 she hired a pharmacy technician to work at a store she owned and the technician presented a valid pharmacy technician license. Ms. Davis stated she hired a pharmacist in charge to run her pharmacy. Ms. Davis stated that they did not realize that the technician's license had been suspended because she failed to pay a student loan. Ms. Davis stated that she received a letter of reprimand. Ms. Davis stated that the pharmacy was also fined and received a letter of reprimand. Ms. Davis stated that she was the owner of the pharmacy at the time, but not the pharmacist in charge.

On motion by Mr. McAllister and seconded by Dr. Milovich, the Board unanimously approved the request by Ms. Davis to proceed with reciprocity.

#2 Heather Exarhos

Heather Exarhos appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Berry opened the discussion by asking Ms. Exarhos why she was appearing in front of the Board.

Ms. Exarhos stated that she would like to be licensed as a pharmacy technician trainee, but was asked to appear because she was convicted of a felony.

Ms. Exarhos stated that she was involved with someone who was dealing drugs. Ms. Exarhos stated that she had gone on a trip with this individual and he was stopped and he had a kilo of heroin in his backpack. Ms. Exarhos stated that she was charged with a felony because she failed to notify anyone in authority about this individual's drug use.

Ms. Exarhos stated that she was placed on probation and she was released from probation early.

Dr. Berry asked Ms. Exarhos if she is currently working. Ms. Exarhos stated that she currently works at Target on the sales floor and would like to work in the pharmacy.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously agreed to allow Ms. Exarhos to proceed with pharmacy technician trainee licensure.

#3 Elizabeth Guevara

Elizabeth Guevara appeared on her own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Berry opened the discussion by asking Ms. Guevara why she was appearing in front of the Board.

Ms. Guevara stated that she would like to be licensed as a pharmacy technician trainee. Ms. Guevara stated that she was convicted of a felony about six years ago in Oklahoma.

Ms. Guevara stated that she was charged with possession of paraphernalia in front of a school. Ms. Guevara stated that she was handed the paraphernalia because she was the only female present.

Mr. McAllister asked Ms. Guevara if she is currently on probation. Ms. Guevara stated that she has no record because she completed her probation and her record was expunged. Ms. Guevara stated that she answered the question on the application yes because the question stated that she must answer yes even if the charges were expunged.

Mr. McAllister asked Ms. Guevara if she uses marijuana. Ms. Guevara replied no. Ms. Guevara stated that she currently works in a healthcare facility where there is drug testing. Ms. Guevara stated that she would like to further her career by working in the pharmacy.

On motion by Dr. Smidt and seconded by Mr. McAllister, the Board unanimously agreed to allow Ms. Guevara to proceed with pharmacy technician trainee licensure.

#4 Ishmael Smith-Muhammad

Mr. Haiber recused himself due to a conflict of interest.

Ishmael Smith-Muhammad appeared on his own behalf to request to proceed with Pharmacy Technician Trainee licensure.

President Berry opened the discussion by asking Mr. Ishmael Smith-Muhammad why he was appearing in front of the Board.

Mr. Smith-Muhammad stated that he would like to proceed with pharmacy technician trainee licensure. Mr. Smith-Muhammad stated that he is currently on probation for possession of marijuana. Mr. Smith-Muhammad stated that he was caught in 2002 and 2003 for possession of marijuana. Mr. Smith-Muhammad stated that he then moved to Florida and when he moved back to Arizona in 2005 he was charged. Mr. Smith-Muhammad stated that his probation would end next year. Mr. Smith-Muhammad stated that at that time he was hanging out with the wrong crowd.

Mr. Smith-Muhammad stated that he has worked at Express Scripts for three years and would like to become a pharmacy technician.

Dr. Smidt asked Mr. Smith-Muhammad if he is drug tested during his probation. Mr. Smith-Muhammad replied yes.

On motion by Dr. Smidt and seconded by Dr. Sypherd, the Board unanimously agreed to allow Mr. Smith-Muhammad to proceed with pharmacy technician trainee licensure.

#5 Latosha Gamez – Requested Postponement until January

#6 Brandee Provo

Brandee Provo appeared on her own behalf to request to reinstate her revoked Pharmacy Technician license.

President Berry opened the discussion by asking Ms. Provo why she was appearing in front of the Board.

Ms. Provo stated that she would like to reinstate her pharmacy technician license. Ms. Provo stated that she had surrendered her license two years ago.

Ms. Provo stated that she was sent for a drug screening test at the hospital that she worked and she tested positive for marijuana. Ms. Provo stated that at the time she and her husband were going through a hard time. Ms. Provo stated that she used the marijuana during that time and it was for a short time period of five to six months. Ms. Provo stated that she has been working and has had no trouble with the law.

Dr. Berry asked Ms. Provo where she currently works. Ms. Provo replied that she works at Sunflower Market in Tucson. Ms. Provo stated that she worked hard for her license and would like to work again as a pharmacy technician.

Mr. McAllister asked Ms. Campbell if the Board could reinstate her license with conditions.

Ms. Campbell stated that the Board could approve her request, deny her request, or offer her a consent agreement for licensure.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board placed a motion on the floor to reinstate Ms. Provo's Pharmacy Technician license with the offer of a Consent Agreement that would require her to notify each employer of the revocation for the next five years. If Ms. Provo does not sign the consent agreement, then her request for reinstatement of her license would be denied.

Mr. Van Hassel stated that he does not support the motion because any technician could refuse a PAPA contract and then ask for their license back in two years.

Mr. Wand stated that at the time of Ms. Provo's disciplinary action PAPA was not an option for technicians.

Mr. McAllister stated that the Board could ask Ms. Provo to go to an addictionologist for an evaluation.

Ms. Campbell stated that the Board could request random urine testing as part of the consent agreement.

Mr. Haiber asked Ms. Provo why she was sent for a drug screening. Ms. Provo stated that she was sent for a drug screen because she had called in sick two days that week.

A roll call vote was taken and the original motion failed. (Mr. Van Hassel – nay, Ms. Honeyestewa – nay, Dr. Smidt – aye, Mr. Milovich – aye, Dr. Sypherd – aye, Mr. Haiber – nay, Mr. McAllister – aye, Dr. Berry – nay.)

Mr. McAllister asked Ms. Provo if her PTCB certification was current. Ms. Provo replied no, but she would bring her certification current.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to offer Ms. Provo a consent agreement with the following terms; Ms. Provo would be on probation for the next five years during which time she must inform her employers that her Pharmacy Technician license was previously revoked and she must bring her PTCB certification current. If the consent agreement is not accepted by Ms. Provo her request would be denied based upon facts and law in the previous consent agreement.

#7 Robert Vinci

Robert Vinci sent a written request to the Board requesting to withdraw his application for reciprocity approved by the Board at the March 2008 meeting.

Dr. Berry opened the discussion by asking Ms. Campbell to discuss the options that the Board has in this case.

Ms. Campbell stated that Mr. Vinci has sent a letter to the Board with information stating why he would like to withdraw his application for reciprocity. Ms. Campbell stated that the Board must make a motion and take a vote to allow Mr. Vinci to withdraw his application. Ms. Campbell stated that the Board could deny his request based on the information that the Board has received concerning the case. Ms. Campbell stated that if the Board denies his request the action is reportable to the Clearinghouse.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board placed a motion on the floor to deny Mr. Vinci's request to withdraw his application for reciprocity. The denial was based on violations of the following statutes: A.R.S. § 32-1901.01 (B) (2) (8) (10), A.R. S. § 32- 1927 (S), A.R. S. § 32- 1968 (A), A.R.S. § 36-2531 (E), A.R.S. § 13-1802 (A)(1) and A.R.S. § 13-3406 (A) (1) .

A roll call vote was taken and the original motion failed. (Mr. Van Hassel – aye, Ms. Honeyestewa – nay, Dr. Smidt – nay, Mr. Milovich – nay, Dr. Sypherd – nay, Mr. Haiber – nay, Mr. McAllister – aye, Dr. Berry – aye)

On motion by Dr. Smidt and seconded by Mr. Milovich, the Board agreed to approve Mr. Vinci's request to withdraw his application for reciprocity.

A roll call vote was taken and the motion carried. (Mr. Van Hassel – nay, Ms. Honeyestewa – aye, Dr. Smidt – aye, Mr. Milovich – aye, Dr. Sypherd – aye, Mr. Haiber – aye, Mr. McAllister – nay, Dr. Berry – nay)

AGENDA ITEM 8 – Institute for the Certification of Pharmacy Technicians – Request for the Board to approve the ExCPT test as a certification option for Arizona Pharmacy Technician

Rebecca Rabbit was present from the Institute for the Certification of Pharmacy Technicians to request that the Board approve the ExCPT test as a certification option.

President Berry opened the discussion by asking Ms. Rabbit why she requested to appear in front of the Board for approval of her institute's certification test.

Ms. Rabbit stated at the last meeting she presented the Board Members with a packet explaining the ExCPT test. Ms. Rabbit stated that she is asking for the ExCPT exam to be approved as an alternative to the PTCB exam for technician certification. Ms. Rabbit stated that the laws allow for the Board to approve an alternate exam.

Ms. Rabbit stated that the ExCPT offers many advantages to the technicians. Ms. Rabbit stated that the test is given on a continuous basis. Ms. Rabbit stated that there are seven testing centers in Arizona. Ms. Rabbit stated that the technician would receive his or her test scores prior to leaving the testing facility.

Dr. Berry asked what the pass fail ratio is for the test. Ms. Rabbit stated that 72% of the applicants pass the exam on their first attempt.

Ms. Honeyestewa asked how often the test questions are reviewed. Ms. Rabbit stated that the test questions are written by item writers which include both pharmacists and technicians. Ms. Rabbit stated that the questions are reviewed by staff and then the questions are reviewed by an expert panel. Ms. Rabbit stated that the independent writers submit questions three times a year and the expert panel reviews the questions twice a year.

Mr. Van Hassel stated that there is only one exam for pharmacist licensure and the Board has approved the PTCB exam as the test for technician licensure. Mr. Van Hassel stated that he does not see the need to add another test.

Ms. Honeyestewa stated that the PTCB test will be given continuously beginning in April of 2009.

Mr. McAllister indicated that the Board is not a testing agency and the Boards have accepted NABP recommendations for competency testing. Mr. McAllister stated that the PTCB is recommended by NABP for certification. Mr. McAllister stated that the Board does not have the skills to evaluate exams.

Mr. Haiber stated that by approving another exam he feels that would add another layer of complexity to the process. Mr. Haiber stated that the PTCB exam has met the need of the Board to show that a technician has met the minimum level of competency by passing the exam.

Ms. Rabbit stated that she does not know how this would increase the complexity to the Board. Ms. Rabbit stated that they do require continuing education to maintain their certification. Ms. Rabbit noted that without competition PTCB would not have decided to give their test on a continuous basis.

Ms. Rabbit stated that she does not feel that the Board would have multiple vendors asking to have their tests approved because it costs about a million dollars to enter the market.

Mr. Milovich asked if they had been turned down in any states. Ms. Rabbit replied no.

Mr. Wand stated that Ms. Rasmussen had suggested that the Board could establish a task force to study the option of approving more than one exam.

Mr. McAllister stated that he feels the PTCB exam tests for minimum competency. Mr. McAllister stated that NABP is a stakeholder in the exam and the Boards rely on NABP's expertise when the Board approves exams.

Ms. Rabbit stated that the questions asked on the ExCPT exam are representations of what the profession has told them needs to be on the exam. Ms. Rabbit stated that the Board could have input into the exam and could be part of the governing council.

On motion by Mr. Van Hassel and Mr. McAllister, the Board unanimously agreed to deny the request by the Institute for the Certification of Pharmacy Technicians to approve the ExCPT test as a certification option for Arizona Pharmacy Technicians.

AGENDA ITEM 9- Reports

Executive Director Report

Budget Issues

Mr. Wand opened the discussion by reviewing the financial reports with the Board Members.

Mr. Wand indicated that the postage was higher in September due to the mailing of the Renewal notices.

Mr. Wand noted that there were three pay periods in September.

Mr. Wand stated that he has not heard anything from the Budget Office concerning the proposed fix for the Budget issues.

Mr. Wand stated that there will be another sweep of \$529,000 dollars from the Pharmacy Fund to help balance the state budget.

Online Applications/Renewals

Mr. Wand stated that the online renewal process ended at the end of October. Mr. Wand stated that at the onset of the process there were some glitches that would allow an individual to renew and not accept their credit card at the end of the process.

Mr. Wand stated that the Compliance Staff helped by entering renewals, printing renewals, and preparing the renewals for mailing. Mr. Wand stated that the Compliance Staff worked in the office the month of October because money was not available to hire temporary help.

Mr. Wand stated that new applicants for licensure or new permit holders could still apply online and pay with a credit card.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report and Drug Inspector Activity Reports with the Board Members.

During the months of July, August, and September, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage – 18
2. Controlled Substance Shortage – 7
3. Controlled Substance Inventory not completed upon change of Pharmacist in Charge – 1
4. Unable to locate annual Controlled Substance Inventory - 2
5. Failure to maintain CIII-V Invoices - 2

Documentation Violations

1. Failure to Document Medical Conditions – 15
2. Failure to sign daily log - 2
3. Failure to document counseling – 14
4. Failure to document allergies - 1
5. Failure to have required technician statements signed – 8
6. Failure to document expiration dates for compounding components – 1
7. Failure to document correct date of issuance in computer – 1
8. Failure to document initials of transcribing pharmacist on oral prescriptions -1
9. Failure to obtain Assisted Living Home license copies - 1

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy – 7
2. Failure to obtain a written prescription when product was removed from an emergency box – 1
3. No Pre-package logs for product being pre-packed - 1

Pharmacy Violations

1. Allowing technician to work without a license - 1
2. Failure to have a Drug Compounding Training Program for the Pharmacy Technicians - 1

The following areas were noted on the inspection reports for improvement:

1. Documentation of Counseling
2. Documentation of medical conditions

The following areas were noted on the inspection reports where pharmacists and technicians are meeting or exceeding standards:

1. Cleanliness of pharmacies

Areas outside the inspection reports that may be of interest:

1. Change of Address, Employment, and Change of Pharmacist in Charge
2. No Prescriptions for Office Use – Invoice Product

Pharmacist Assisting Pharmacists of Arizona (PAPA)

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty nine (49) participants in the PAPA program. Since the last report on September 12, 2008, there have been two (2) terminations of contracts, one (1) contract has been transferred to another state, and there is one (1) pending contract.

Ms. Yates stated that the Steering Committee has concerns about one participant. Ms. Yates stated that the participant was asked not to take Tramadol and at the last steering committee meeting he presented a new prescription for Tramadol. He was told again that he was asked not to take Tramadol. The participant stated that the prescription was written by his addictionologist and he felt it was fine to take.

Ms. Yates stated that they are speaking with the counselors concerning the addictionologists that are being recommended. Ms. Yates stated that the participants are requesting that the addictionologists write medications for them that are prohibited by their contracts.

Ms. Yates stated that the participant's urine screens are being screened for Tramadol and if the participant has a positive test the Board would be notified.

Ms. Campbell stated that the Board could take action if the participant violates his PAPA contract.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to ask the participant (Jon Bach) to appear at the next Board meeting to discuss his treatment program.

AGENDA ITEM 13 - Consideration of Complaints on Schedule "E" and Consideration of Consumer Complaint Committee Recommendations

The Consumer Complaint Review Committee met prior to the Board Meeting to review 18 complaints. Dr. Berry, Ms. Honeyestewa and Dr. Sypherd served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously accepted the recommendation of the Consumer Complaint Review Committee for the following complaint. Mr. Milovich was recused due to a conflict of interest.

The following summary represents the discussion and final decision of the Board for this complaint:

Complaint #3581	-	Consent Agreement offered to the Pharmacist for 6 months probation with \$1,000 civil penalty and 8 hours of CE on error prevention, probation to terminate when penalty paid and CE completed. If the consent agreement is not signed the case would proceed to hearing.
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On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Dr. Berry was recused due to a conflict of interest.

Complaint #3569	-	Dismiss
Complaint #3570	-	Advisory Letter to the Pharmacist
Complaint #3571	-	Dismiss

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints. Mr. Haiber was recused due to a conflict of interest.

Complaint #3563	-	Dismiss
Complaint #3564	-	Dismiss
Complaint #3565	-	Dismiss
Complaint #3566	-	Dismiss
Complaint #3580	-	Conference – Pharmacist in Charge

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously accepted the recommendations of the Consumer Complaint Review Committee for the following complaints.

Complaint #3567	-	Dismiss
Complaint #3568	-	Dismiss
Complaint #3572	-	Dismiss
Complaint #3573	-	Dismiss
Complaint #3582	-	Dismiss
Complaint #3583	-	Consent Agreement for Revocation of Pharmacy Technician license. If not signed, the case would proceed to hearing.

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|-----------------|---|--|
| Complaint #3584 | - | Consent Agreement for Revocation of Pharmacy Technician Trainee license. If not signed, the case would proceed to hearing. |
| Complaint #3587 | - | Incident 1 – Conference for Pharmacist and Pharmacy Technician
Incident 2 – Conference for Pharmacist |
| Complaint #3589 | - | Consent Agreement offered to Both Pharmacist for 6 months probation with \$1,000 civil penalty and 8 hours of CE on error prevention, probation to terminate when penalty paid and CE completed. If the consent agreement is not signed the case would proceed to hearing. |

Mr. Van Hassel and Dr. Sypherd recommended that the Board place an item on a future agenda to discuss the loss of medications in the pharmacy.

Dr. Sypherd suggested that the Board review the complaint review process at a future meeting.

On motion by Dr. Sypherd and seconded by Dr. Smidt, the Board unanimously agreed to place the complaint review process on a future agenda for discussion and action.

AGENDA ITEM 11 – Conferences

Complaint #3522

Dr. Berry recused herself due to a conflict of interest. The meeting was turned over to Vice President McAllister.

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Chris Markunas (Dispensing Pharmacist), Jerry Rubin (Transcribing Pharmacist), and Janet Safranske (Pharmacy Supervisor).

Compliance Officer Rich Cieslinski gave a brief overview of the complaint. Mr. Cieslinski stated that the complainant, a veterinarian, stated that she phoned in a prescription for a cat for Tramadol 50mg #10 with directions to take ¼ tablet by mouth every 12 hours as needed for pain. The transcribing pharmacist stated that he heard the prescription as Tylenol 50mg #10. He stated that he told someone that they would need to verify the prescription the next day. The pharmacist in charge was on duty the next day and the computer indicates that he was the verifying pharmacist of the prescription the next day that was filled for Q-PAP 100mg/ml drops to take 0.125 mg by mouth every 12 hours as needed. The veterinarian was not called to verify the prescription. The owner called the veterinarian asking about the liquid and the error was caught at that point by the veterinarian. The cat was not given any of the incorrect medication. The veterinarian stated that Tylenol can be toxic to a cat. The records indicate counseling was

refused, but there is no documentation of the pharmacist's initials indicating counseling was refused.

Vice President McAllister asked the respondents to address the complaint.

Mr. Markunas stated that he takes responsibility for filling the prescription. Mr. Markunas stated that they work at a 24 hour pharmacy and the prescription was phoned in by the veterinarian and was left on the voice mail. Mr. Markunas stated that the night pharmacist had told him that Mr. Rubin stated that someone should call on the prescription for clarification. Mr. Markunas stated that he did not know Tylenol was toxic to a cat. Mr. Markunas stated that he made a judgment call to switch from the tablet to the liquid form. Mr. Markunas stated that he calculated the dosage and dispensed the prescription. Mr. Markunas stated that if he was aware that Tylenol was toxic to a cat he would have called the veterinarian.

Mr. Rubin stated that he listened to the message on the voice mail several times. Mr. Rubin stated that he thought he heard the drug as Tylenol and told someone that the doctor should be contacted to verify the drug. Mr. Rubin stated that looking back on the situation he should have marked the prescription with a note to call the doctor.

Mr. Markunas stated that he was the one who made the decision to switch the dosage form and the overnight pharmacist had relayed Mr. Rubin's message to call the doctor.

Dr. Smidt asked Mr. Markunas what part of the prescription he was to verify. Mr. Markunas stated that he was told the dosing needed verified. Mr. Markunas stated that he adjusted the dosage because he figured a cat would require a lower dose than a human.

Dr. Smidt asked Mr. Markunas if the other pharmacist requesting that he contact the doctor did not raise a flag to him to question the dose. Mr. Markunas stated that he switched the dose because it made sense to him. Mr. Markunas stated that he was not aware that this would be a lethal dose to a cat.

Dr. Smidt asked Mr. Markunas if he could legally switch from a tablet to a liquid form. Mr. Markunas stated that he believes that he could under his professional judgment.

Dr. Smidt told Mr. Markunas that switching dosage forms without contacting the doctor is not allowed. Dr. Smidt told Mr. Markunas if he had contacted the doctor the error would have been caught.

Ms. Safranske stated that in retrospect Mr. Markunas realizes that switching the dosage form was a poor judgment call.

Mr. Haiber asked the respondents if the check boxes on the telephone prescription are used to indicate that something on the prescription needs clarified. Ms. Safranske stated that the boxes were used originally for the transcribing pharmacist to check the prescription a second time.

Ms. Safranske stated that Mr. Rubin is a floater and he was not present to follow up on the prescription. Ms. Safranske stated that the company has asked floater pharmacists to attach a note to the prescription if they have any concerns about the prescription.

Mr. Milovich asked Mr. Rubin if he has had his hearing checked lately. Mr. Rubin replied yes and there were no problems.

Mr. Milovich asked Mr. Rubin if a second person listened to the message. Mr. Rubin replied no.

Mr. Markunas stated that if Mr. Rubin has any questions he would always ask another pharmacist for clarification.

Dr. Smidt stated that he would recommend that they not take a prescription off the voice mail if there are any questions. Dr. Smidt stated that by taking the prescription off the voice mail the next pharmacist thought the prescription could be filled.

Mr. Milovich asked about the fact that counseling was not documented and the computer indicated that counseling was refused.

Mr. Markunas stated that the prescription was picked up at the drive-up window. Mr. Markunas stated that the pharmacist probably did not travel to the drive-up window at the time to document the refusal and probably just initialed the sheet later when they went to the drive-up window.

Ms. Safranske stated that the pharmacist had probably just become lax in documenting the counseling. Ms. Safranske stated that the district managers have made an effort to communicate the counseling policy to the pharmacy staff. Ms. Safranske stated that when she visits the stores she reviews the logs and brings any issues to the attention of the pharmacist.

Dr. Smidt asked Ms. Safranske what is the policy concerning counseling. Ms. Safranske stated that if the prescription is new and has not been dispensed before or the pharmacist would like to talk to the patient then the technician would tell the patient that the pharmacist would like to release their prescription. Ms. Safranske stated that the pharmacist should initial the lines to show refusal took place.

Dr. Smidt asked Ms. Safranske how the patient got the medication when it was a new prescription. Ms. Safranske stated that the patient probably said that she did not need counseled and the medication was given to the patient.

Dr. Smidt asked who takes the denial for counseling. Ms. Safranske stated that the technician probably thought that the pharmacist had heard the denial and gave the patient the prescription.

Mr. McAllister told Ms. Safranske that only a pharmacist can accept the denial for counseling.

On motion by Dr. Smidt and seconded by Mr. Haiber, a motion was placed on the floor to issue an advisory letter to both pharmacists.

Mr. Van Hassel stated that he felt an advisory letter would be fine for the transcribing pharmacist but felt that the dispensing pharmacist should receive a stronger letter or a different disciplinary action.

On motion by Dr. Smidt and seconded by Mr. Haiber, the original motion was withdrawn.

On motion by Dr. Smidt and seconded Mr. Van Hassel, the Board unanimously agreed to issue an advisory letter to the transcribing pharmacist (Mr. Rubin) concerning his failure to interpret the prescription.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to offer a consent agreement to Mr. Markunas requiring him to take and pass the MPJE exam within the next 90 days. If the consent agreement is not accepted, the case will proceed to formal hearing.

Dr. Smidt asked Mr. Wand to include in the next newsletter the regulations that only pharmacists can accept the denial of counseling.

Complaint #3541

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Jason Mays (Pharmacist), Kevin Clark (Pharmacy District Manager), and Debbe Mack (Director of Professional Services and Government Relations).

Compliance Officer Rich Cieslinksi gave a brief overview of the complaint. Mr. Cieslinksi stated that the complainant stated that she reordered her prescription for Lidoderm Patches 5%. When she went to refill her prescription, she noticed that the box was labeled for another patient. The pharmacist believes that the prescription for the other patient was filled twice and one of the boxes was returned to stock. When the complainant's prescription was filled the patient received one box labeled for the other patient.

Vice President McAllister asked Mr. Mays to respond to the complaint. Mr. Mays stated that the two prescriptions were filled close to each other. Mr. Mays stated that it is company policy to place the leaflet for the patient in the bag with the medication. Mr. Mays stated that the product would not fit in the bag, so the leaflets were placed in the clear bags and the product was placed on the bottom shelves below the bags. Mr. Mays stated that he believes that the prescription for the other patient was filled again because his insurance was run through the system after the prescription was filled. Mr. Mays stated that he believes that the product for the other patient was never removed from the shelf and when the cashier selected the product she selected the wrong box for the complainant.

Dr. Smidt asked Mr. Mays if both patients' medications were not in the plastic bags. Mr. Mays replied yes.

Dr. Smidt asked what Wal-Mart's policy is if the medication does not fit in the plastic bag. Mr. Clark stated that the pharmacy staff is to place the medication in a larger Wal-Mart bag and to attach the leaflet to the bag. Mr. Clark stated that the product and the leaflets are not to be separated.

Dr. Smidt asked if the cashier was matching the products and leaflets. Mr. Clark stated that all personnel at the pharmacy have been retrained, so that the cashier is not matching the product with the leaflets. Ms. Mack stated that it was never the policy to separate the product and the leaflet.

Mr. McAllister asked Mr. Mays if he contacted the other person to let him know that his information was released to another individual. Mr. Mays replied that he had not contacted the other patient.

Mr. McAllister recommended that Wal-Mart may want to consider adding something in their policies to address this situation where another individual's information is released to another patient.

On motion by Dr. Smidt and seconded by Dr. Berry, the Board unanimously agreed to dismiss the complaint.

Complaint #3552

Dr. Berry recused herself due to a conflict of interest. The meeting was turned over to Vice President McAllister.

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Hani Saba (Pharmacist), Nicole Leiter (Pharmacy Supervisor), and Fauzia Somani (Pharmacy Supervisor).

Ms. Frush stated that Annalise Koenig had submitted a letter to the Board stating that at the time of the incident she was licensed as a pharmacy technician trainee. Ms. Koenig stated that she was licensed as an intern after the incident occurred. Ms. Koenig stated that she would like to appear at a later date because she is currently in pharmacy school and is in the middle of taking final exams for the semester.

Compliance Officer Rich Cieslinski gave a brief overview of the complaint. Mr. Cieslinski stated that the complainant presented a prescription to the pharmacy for Valtrex 1000 mg with directions to take 2 tablets every 12 hours for 1 day for a quantity of 4 tablets. The prescription was filled incorrectly with directions that stated to take one tablet three times daily. The pharmacist stated that the computer defaults to these directions and he did not catch the error. The complainant returned the prescription and left without the prescription. The prescription was remotely re-entered a few days later by an intern (Pharmacy Technician Trainee at the time of the incident). The prescription

was incorrectly entered for Valtrex 500mg. The same pharmacist did not catch the strength error this time. The strength error was brought to the attention of the pharmacist by the compliance officer investigating the complaint. The patient was contacted and returned the medication. The complainant never took the medication with the wrong directions or as the wrong strength.

Vice President McAllister asked Mr. Saba to address the complaint. Mr. Saba stated that he was by himself that morning because his technician called in sick that morning. Mr. Saba stated that he entered the prescription for four tablets. Mr. Saba stated that the default directions populated the field and he did not catch the error. Mr. Saba stated that the patient returned the prescription two days later. Mr. Saba stated that the second error occurred because his focus was on verifying that the directions were correct.

Mr. McAllister asked Mr. Saba about the auto-fill function for the directions. Mr. Saba stated that there are some drugs that are taken a certain number of times a day and the default directions populate the sig field. Mr. Saba stated that the directions have to be changed by the pharmacist or technician when they enter the prescription.

Mr. McAllister asked Mr. Saba about the remote verification. Mr. Saba stated that often data entry is done remotely and the pharmacist at the dispensing store verifies the prescription. Mr. Saba stated that he verified the prescription the second time and missed that the medication had been entered for the wrong strength because he was concentrating on the directions.

Mr. Van Hassel asked what percentage of prescriptions has default directions. Ms. Somani stated that most antibiotics have default directions, but the field is highlighted so that the pharmacist would check the directions.

Mr. Van Hassel asked Mr. Saba if he dispenses a lot of prescriptions for Valtrex with tid directions. Mr. Saba replied yes. Mr. Saba stated that he did not notice that he did not type the directions and the default directions were entered into the field.

Mr. Wand stated that the log shows that counseling was documented.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to issue an advisory letter to both the pharmacist and the pharmacy technician trainee.

Complaint #3554

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Fahad Alnoah (Pharmacist), Oyuki Uriarte (Pharmacy Technician), Joe Leyba (Pharmacy Supervisor), Patrick Jerome (Pharmacy Supervisor), Roger Morris (Legal Counsel for Walgreens) and Amy Cotton (Legal Counsel for Walgreens).

Compliance Officer Ed Hunter gave a brief overview of the complaint. Mr. Hunter stated that the patient had a prescription written for Digoxin .100 mg. The strength of .100 does

not exist. The Nurse Practitioner, who had written the prescription was contacted by the Pharmacy Technician and was told to give the patient 4 tablets of the 0.25 mg strength. The pharmacist did call the Nurse Practitioner back and was told to give the patient 4 tablets of the 0.25 mg. The patient received 120 tablets and took the prescription as directed. The patient then ordered a refill and took the medication as directed for two more days. The patient was then hospitalized with a Digoxin level greater than 16. (Normal level is 0.8-2.0). The patient had previously taken 0.125 mg daily which was on her profile at the pharmacy. Mr. Hunter stated that he was unable to locate the counseling logs.

Vice President McAllister asked Mr. Alnoah to address the complaint. Mr. Alnoah stated that it is an unfortunate incident and he had a lot of opportunities to prevent the error. Mr. Alnoah stated that the prescription was dropped off and the technician brought the error to his attention. Mr. Alnoah stated that the technician brought the strength error to his attention and he told her to call and clarify the prescription under his supervision. Mr. Alnoah stated that he overheard the directions that the practitioner had given to the technician and he called the nurse practitioner back. Mr. Alnoah stated that he asked her multiple times if she wanted to give the patient four tablets of the 0.25mg. Mr. Alnoah stated that he filled the prescription as prescribed. Mr. Alnoah stated that if he had taken a step back he would have realized that the dose was too high.

Ms. Cotton stated that Mr. Alnoah has completed 2 hours of continuing education on medication errors. Ms. Cotton stated that they have improved their counseling practices and have brought copies of their counseling sheets with them.

Mr. McAllister asked Mr. Alnoah if he asked the technician to verify the dose. Mr. Alnoah replied that she verified the dose under his supervision.

Mr. Haiber asked if the computer system warned the pharmacist about the high dosage. Mr. Hunter replied that there was an N in the DUR field that meant the DUR was either not reviewed or bypassed in some fashion.

Mr. Leyba stated that the DUR warning would indicate that the dosage exceeded the limit. Mr. Leyba stated that Mr. Alnoah had deviated from the policies and procedures.

Dr. Sypherd asked if the patient suffered any consequences as a result of the error. Mr. Hunter replied that the patient was hospitalized.

Mr. Milovich asked if the same DUR warning would appear when the prescription was refilled. Mr. Leyba stated that the same warning would appear both times.

Mr. McAllister asked Ms. Uriarte if it is normal practice for her to clarify directions with physicians. Ms. Uriarte replied that she called under the supervision of the pharmacist. Ms. Uriarte stated that she asked the doctor what strength she would like to dispense.

Mr. McAllister asked Ms. Uriarte if she is certified. Ms. Uriarte replied yes. Mr. McAllister told Ms. Uriarte if she is certified and licensed that she should realize that clarifying a prescription is not a technician duty if she read the rules as required by law.

Mr. Milovich asked Mr. Alnoah if he changed the quantity. Mr. Alnoah stated that he changed the quantity to 120 tablets so that the patient received a 30 day supply.

Mr. Van Hassel asked Mr. Alnoah if it is common practice for the technicians to clarify prescriptions. Mr. Alnoah stated that he does not allow technicians to accept new prescriptions, but he thought it was okay for a technician to accept a simple correction or slight clarification under his supervision. Mr. Alnoah stated that he now does all changes.

Mr. Milovich asked how many prescriptions are filled daily. Mr. Alnoah stated that they fill about 800 to 900 prescriptions daily.

Mr. Milovich stated that on that day the counseling sheet only shows that four prescriptions were picked up and counseled.

Mr. Alnoah stated that they were not following Walgreens policies and procedures for documentation and are not following the policies and procedures.

Mr. Milovich asked if the supervisors check the counseling logs. Mr. Jerome stated that he was not the supervisor at the time and it is common practice for the supervisors to check the counseling logs when they visit the store.

Mr. Leyba stated that he believes that the organizational method for filing the sheets was not followed. Mr. Leyba believes that there were probably more sheets for that date but does not have evidence to prove that there were additional sheets.

Dr. Smidt asked Mr. Alnoah how he could fill this prescription with all the warnings. Mr. Alnoah stated that he now exercises his right not to fill a prescription and asks the patient to take the prescription back to the physician.

Dr. Smidt asked Mr. Alnoah about the counseling logs. Mr. Alnoah stated that they are more consistent in documenting counseling and filing the sheets. Mr. Alnoah stated that they depend on the technicians at the drive-thru window to let them know when a patient needs counseled. Mr. Alnoah stated that it is getting better.

Dr. Smidt asked Mr. Alnoah if this is how he practices in general. Mr. Alnoah stated that he is still growing as a pharmacist and filled the prescription the way the prescriber wanted the prescription to be filled.

Mr. McAllister stated that he still had concerns that the technician clarified the prescription. Mr. Alnoah stated that they both clarified the prescription.

Dr. Smidt stated that he could not believe that Mr. Alnoah called to clarify prescription thinking that 0.1 was a mistake but accepted 1.00 mg as the dose.

On motion by Dr. Sypherd and seconded by Mr. Van Hassel, the Board placed a motion on the floor to fine the pharmacist \$1,000 civil penalty for violation of R4-23-402

(A) (7), a \$1,000 fine for failure to supervise the technician, complete 15 hours of CE in addition to required CE hours and be placed on probation until the requirements are complete. The motion also fined the pharmacy technician \$250 for doing a activity reserved for a pharmacist.

Mr. Van Hassel stated that he felt that the pharmacist should take the NAPLEX exam instead of completing CE requirements.

Dr. Sypherd amended his motion to remove the CE and require that the pharmacist take and pass the NAPLEX exam within 120 days.

On motion by Dr. Sypherd and seconded by Mr. Van Hassel, the Board unanimously agreed to offer a consent agreement to the pharmacist with the following terms: a \$1,000 civil penalty for violation of R4-23-402 (A) (7), a \$1,000 fine for failure to supervise the technician, and take and pass the NAPLEX exam within 120 days and the pharmacist would be placed on probation until the requirements are completed.

On motion by Dr. Sypherd and seconded by Mr. Van Hassel, the Board unanimously agreed to offer a consent agreement to the pharmacy technician with the following terms: \$250 civil penalty for performing an activity reserved for a pharmacist.

AGENDA ITEM 12 – Consent Agreements

President Berry asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General’s Office and have been signed.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below.

Todd Voss	-	08-0046-PHR
Anil Kadari	-	09-0002-PHR
P. Sean Duffy	-	09-0007-PHR
Joshua Walden	-	09-0012-PHR
Douglas McDowell	-	09-0014-PHR
Prakesh Shah	-	09-0011-PHR

AGENDA ITEM 18 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

No one came forth.

The Board Meeting recessed at 5:10 P.M.

AGENDA ITEM 1 – Call to Order – November 13, 2008

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Zina Berry, Vice President Dennis McAllister, Steven Haiber, Louanne Honeyestewa, Dan Milovich, Ridge Smidt, Paul Sypherd and Tom Van Hassel. The following Board Member was not present: Joanne Galindo. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Elizabeth Campbell.

AGENDA ITEM 13 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

President Berry asked Mr. Wand to address this agenda item.

Mr. Wand stated that he has reviewed the requests and has approved the individuals for one additional two year period.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

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|-----------------------|----------------------|
| 1. Sara Shapiro | 10. Alta Garcia |
| 2. Lora Valencia | 11. Ivette Beltran |
| 3. Gail Brown | 12. Kwajalyn Shannon |
| 4. Lea Johnson | 13. Richard Ruiz |
| 5. Traci Scheber | 14. Theresa Bonilla |
| 6. Philip Schwartz | 15. Cesar Casillas |
| 7. Brittney Neidhardt | 16. Jamie Knight |
| 8. Brenda Sheldon | 17. Eddie Delgado |
| 9. Lorena Dolores | |

AGENDA ITEM 14 – Proposed Rules

Fees Rule

Rules Writer Dean Wright opened the discussion by stating that at the May 2008 Board Meeting, the Board approved amending the Fees rule to raise certain fees.

Mr. Wright stated that a Notice of Rulemaking Docket Opening was published on June 13, 2008. A Notice of Proposed Rulemaking was published on September 5, 2008. A public hearing on the proposed rule was held on October 6, 2008. Janet Elliott representing the Arizona Community Pharmacy Committee attended the hearing. Ms.

Elliott provided written comment voicing support for the rulemaking. No other comments were received and the docket was closed at 5:00 P.M. on October 6, 2008. Mr. Wright stated that if the Board approves the Notice of Final Rulemaking and Economic Impact Statement the Notice of Final Rulemaking would go to GRCC for final approval at their January meeting.

On motion by Mr. McAllister and seconded by Dr. Sypherd, the Board unanimously agreed to accept the Notice of Final Rulemaking and Economic Impact Statements as listed in the Administrative Code for the Fees Rule.

Resident Manufacturer & Mechanical Counting Device Rules

Mr. Wright stated that House Bill 2020 removes the requirement in A.R.S. §32-1961 (A) that a person must be pharmacist to manufacture a drug in Arizona and adds an exception in A.R.S. §23-1921 (A) (4) that allows a person who is not a pharmacist and holds the required permit issued by the Board to manufacture a drug in Arizona. The proposed rulemaking would amend R4-23-405 and R4-23-604 to implement the statutory changes made in House Bill 2020 regarding who may manufacture a drug in Arizona. R4-23-405 will be amended to remove the requirement that a manufacturer must designate a pharmacist in charge. R4-23-604 would be amended to remove any pharmacist in charge requirements in the rule.

Mr. Wright stated that the Board staff discovered that R4-23-616 (Mechanical Counting Device for a Drug in a Solid, Oral Dosage Form) does not indicate the time period that a pharmacy permittee must retain the records required by the rule. The Board intends to amend R4-23-616 (B) by adding a record retention period of not less than two years.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to give Mr. Wright the approval to proceed with the Notice of Proposed Rulemaking.

AGENDA ITEM 15 – Five-Year Review of Rules – Article 11

Mr. Wright stated the Board is required to review Article 11 for this Five-Year Review of Rules. Mr. Wright stated that he has provided the Board Members with a copy of the rules in Article 11.

Mr. Wright asked the Board Members to send him the results of their review by December 31, 2008, so that he could prepare the 5-year Rule Review Report for approval by the Board Members at the January 2009 meeting.

Mr. Wand stated that the Board Members could also recommend that no changes need to be made to the rules.

AGENDA ITEM 16 – Approval of Board Meeting Dates for 2009

President Berry opened the discussion by asking the Board Members if there were any issues with the dates selected for next year's Board Meetings.

The following dates are the proposed Board Meeting dates for 2009:

January 28 and 29, 2009

March 18 and 19, 2009

May 6 and 7, 2009

July 9, 2009 - Tucson

September 23 and 24, 2009

November 18 and 19, 2009

#1 Sheena Jacobs

President Berry asked Assistant Attorney General Elizabeth Campbell if she would like to make any comments.

Ms. Campbell stated that the state moves that the allegations be deemed as admitted.

Ms. Campbell stated that a complaint was filed and Ms. Jacobs failed to respond and at this time the Board may grant or deny the State's motion to Deem Allegations Admitted.

President Berry asked if Ms. Jacobs was present. Ms. Jacobs was not present.

President Berry asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to grant the State's Motion to Deem Allegations Admitted.

President Berry asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that she does not have a recommendation and the Board can impose any discipline that they feel appropriate.

President Berry stated that the Board would now deliberate on the appropriate discipline to be imposed.

On motion by Mr. Haiber and seconded by Dr. Smidt, the Board unanimously agreed to revoke Pharmacy Technician License T009815 issued to Sheena Jacobs. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Honeyestewa - aye, Dr. Smidt – aye, Mr. Milovich – aye, Mr. Haiber – aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry – aye)

#2 Jeanie Waters

President Berry asked Assistant Attorney General Elizabeth Campbell if she would like to make any comments.

Ms. Campbell stated that the state moves that the allegations be deemed as admitted. Ms. Campbell stated that a complaint was filed and Ms. Waters failed to respond and at this time the Board may grant or deny the State's motion to Deem Allegations Admitted.

President Berry asked if Ms. Waters was present. Ms. Waters was not present.

President Berry asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to grant the State's Motion to Deem Allegations Admitted.

President Berry asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Campbell stated that she does not have a recommendation and the Board can impose any discipline that they feel appropriate.

President Berry stated that the Board would now deliberate on the appropriate discipline to be imposed.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to revoke Pharmacy Technician License T011460 issued to Jeanie Waters. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Honeyestewa - aye, Dr. Smidt – aye, Mr. Milovich – aye, Mr. Haiber – aye, Dr. Sypherd – aye, Mr. McAllister – aye, and President Berry – aye)

#3 Deborah Grabowski Chenoweth

President Berry recused herself due to a conflict of interest.

Vice President McAllister opened the hearing by stating that this is the time and place for the hearing to determine whether to take disciplinary action against License Number S010764 issued to Deborah Grabowski Chenoweth, Notice of Hearing 08-0053-PHR.

Mr. McAllister asked if the licensee was present or represented by counsel. Ms. Chenoweth stated that she was present via telephone and was not represented by counsel.

Mr. McAllister asked if a representative for the State was present. Assistant Attorney General Elizabeth Campbell stated that she was present as a representative of the State.

Mr. McAllister asked Ms. Chenoweth if she had any witnesses that would be testifying on her behalf. Ms. Chenoweth replied no.

Mr. McAllister asked Ms. Campbell if the State would have any witnesses. Ms. Campbell stated that Patricia Marshall was present via telephone. Ms. Marshall is a Loss Prevention Supervisor for Walgreens.

The court reporter swore in Ms. Chenoweth and Ms. Marshall.

Mr. McAllister asked Ms. Chenoweth if she had received a copy of the Complaint and Notice of Hearing 08-0053-PHR. Ms. Chenoweth replied yes.

Mr. McAllister asked if the State and Ms. Chenoweth waive the reading of the Notice of Hearing. Ms. Campbell and Ms. Chenoweth both replied yes.

Mr. McAllister asked Ms. Chenoweth if she understood that she has a right to representation in this matter and if she understood that as she was present today without representation, that she is waiving that right. Ms. Chenoweth replied yes.

Mr. McAllister asked if counsel for the State would like to make an opening statement.

Ms. Campbell asked Ms. Chenoweth if she received copies of the exhibits. Ms. Chenoweth stated that she had received the exhibits.

Ms. Campbell stated that Ms. Chenoweth filled prescriptions without authorization from the doctor. Ms. Campbell stated that Ms. Chenoweth wrote a prescription for Amoxil and ran the prescription through the insurance. Ms. Campbell stated that the doctor did not authorize the prescription and advised Ms. Chenoweth to see an Arizona doctor. Ms. Chenoweth also refilled two prescriptions. Ms. Campbell stated that Ms. Chenoweth refilled prescriptions for Methylprednisone 4 mg and Hyzaar without authorization. Ms. Campbell stated that Ms. Chenoweth was under a Board Order dated 2002. Ms. Campbell stated that Ms. Chenoweth had not requested termination of the probation ordered under the 2002 order and still remained under probations proposed by the 2002 order.

Ms. Campbell asked Ms. Chenoweth if the facts were correct as stated. Ms. Chenoweth replied yes.

Ms. Campbell asked Ms. Chenoweth if Amoxil, Methylprednisone, and Hyzaar are all prescription medications. Ms. Chenoweth replied yes.

Ms. Campbell asked Ms. Chenoweth if she has any objections to having the exhibits admitted as evidence. Ms. Chenoweth replied that she had no objections. Mr. McAllister admitted the exhibits as evidence.

Mr. McAllister asked Ms. Chenoweth if she had an opening statement. Ms. Chenoweth stated that she does admit to the charges brought forth. Ms. Chenoweth stated that she does not agree with the disciplinary action of revocation. Ms. Chenoweth stated that she made a misjudgment in assuming that the doctor would authorize her prescriptions. Ms. Chenoweth stated that she had already filled the prescriptions when they were denied.

Ms. Campbell stated that the evidence stipulated in this shows violations of the law.

Ms. Chenoweth stated that she would like to state that she never intended to fill the prescriptions without authorization. Ms. Chenoweth stated that she did not terminate

her probation in Arizona because she was working on obtaining her Florida license

Mr. McAllister asked if the attorney for the State would like to make a closing statement.

Ms. Campbell stated that the Board can impose any discipline that it deems appropriate. Ms. Campbell stated that the violations are listed in the complaint. Ms. Campbell stated that Ms. Chenoweth had been previously disciplined by the Board and the previous discipline is in front of the Board.

Mr. McAllister asked Ms. Chenoweth if she would like to make a closing statement.

Ms. Chenoweth stated that she has been a good and honest pharmacist for 18 years. Ms. Chenoweth stated that she had an addiction to Vicodin and notified PAPA in 2001. Ms. Chenoweth stated that she entered a detox program. Ms. Chenoweth stated that she is currently under contract with the PRN program in Florida. Ms. Chenoweth stated that she submits to weekly drug screenings. Ms. Chenoweth stated that she had no intent to fill the prescriptions without authorization. Ms. Chenoweth stated that she would like to continue practicing as a pharmacist.

Mr. McAllister stated at this time the Board would deliberate this matter and decide whether Ms. Chenoweth is in violation of the Board's statutes and/or rules.

Dr. Sypherd asked Ms. Chenoweth if she was in treatment for her previous addiction issue.

Ms. Chenoweth stated that in order to apply for her Florida license she was required by Florida to enroll in the PRN program.

Ms. Campbell reminded the Board Members that this hearing deals with the unauthorized filling of a prescription and the unauthorized filling of two refills.

Mr. Haiber asked Ms. Chenoweth if she removed the prescriptions from the store.

Ms. Chenoweth stated that she removed the medications from the store. Ms. Chenoweth stated that she was working as a floater at the store. Ms. Chenoweth stated that she wrote the prescription on a blank pad, filled the prescriptions, and removed the prescriptions from the store.

Mr. Haiber asked Ms. Chenoweth if she had ever done this before.

Ms. Chenoweth stated that this was the only time.

Mr. Haiber asked Ms. Chenoweth if she is still on probation with the Arizona Board.

Ms. Chenoweth replied yes.

Mr. Haiber asked Ms. Chenoweth if she wants to keep her Arizona license.

Ms. Chenoweth stated that she would like to keep that option open since she has family in both Florida and Arizona.

Mr. Van Hassel asked Ms. Chenoweth how the fillings were discovered.

Ms. Chenoweth stated that she is not sure because the store manager turned the incidents into Pat Marshall the loss prevention person for Walgreens.

Mr. Van Hassel asked Ms. Chenoweth if she paid for the prescription.

Ms. Chenoweth replied yes.

Mr. Van Hassel asked Ms. Chenoweth why she was asked to join the PRN program in Florida.

Ms. Chenoweth stated that when she applied for licensure in Florida they noted that she was on probation in Arizona. Ms. Chenoweth stated that the Florida Board required her to sit for the NAPLEX exam and required that she join the PRN program.

Ms. Chenoweth stated that she was evaluated by two psychologists and her need to use pain medication. Ms. Chenoweth stated that she is currently taking Tramadol and Baclofen. Ms. Chenoweth stated that her PRN contract is indefinite.

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed that sufficient evidence was presented to sustain charges noticed in the Complaint in the matter of Hearing Number 08-0052-PHR to determine whether or not to impose Disciplinary action against License Number S010764, issued to Deborah Grabowski Chenoweth. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Honeyestewa - aye, Dr. Smidt – aye, Mr. Milovich – aye, Mr. Haiber – aye, Dr. Sypherd – aye, and Mr. McAllister – aye)

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed that based on the evidence presented and sustained in this matter, the Board does have jurisdiction in this matter as provided in A.R.S. §§ 32-1904 and-1927. Further, the evidence does constitute violations of federal or state pharmacy laws or rules as contained in the notice of hearing and appropriate to each of these charges. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Honeyestewa - aye, Dr. Smidt – aye, Mr. Milovich – aye, Mr. Haiber – aye, Dr. Sypherd – aye, and Mr. McAllister – aye)

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to issue a Board Order to Ms. Grabowski Chenoweth with the following terms: A civil penalty of \$1,000 for each prescription filled without authorization for a total of \$3,000 and pay for all costs of the hearing. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Honeyestewa - aye, Dr. Smidt – aye, Mr. Milovich – aye, Mr. Haiber – aye, Dr. Sypherd – aye, and Mr. McAllister – aye)

Mr. McAllister stated if Ms. Chenoweth is aggrieved by the Board's decision, she may file with the Board a written request for a rehearing or review in the matter specifying the

grounds for the rehearing within thirty days of the service of this decision. If the rehearing or review is denied, she may appeal the decision to superior court within thirty days of the final aggrieved decision. This matter is concluded.

AGENDA ITEM 18 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Ms. Rasmussen, Executive Director of the Arizona Pharmacy Alliance came forth. Ms. Rasmussen gave a brief overview of the activities of the Pharmacy Alliance.

AGENDA ITEM 19 – Discussion of items to be placed on a future meeting agenda

The Board Members requested that the following items be placed on future meeting agendas for further discussion:

1. Complaint Review Committee process
2. Compounding Only pharmacies and possible certification requirements
3. Pharmacy Self Inspections
4. Technician Check Technician in the hospital setting
5. Flavoring of Prescription Medications

AGENDA ITEM 20 – Adjournment

There being no further business to come before the Board, **on motion by Dr. Sypherd and seconded by Dr. Smidt**, the Board unanimously agreed to adjourn the meeting at 11:15 A.M.